UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/NGO/42
11 February 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 12 (a) of the provisional agenda

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

VIOLENCE AGAINST WOMEN

Written statement submitted by the Romanian Independent Society for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 December 1999]

GE.00-11057 (E)

1. Romania has ratified international and regional juridical instruments that provide for the respect, the protection and the promotion of women's rights. Romania is a party to the Convention on the Elimination of All Forms of Discrimination against Women, which it ratified in 1982. It has assumed commitments regarding the implementation of the Beijing Platform for Action. Romania has the obligation to incorporate in its legislation and in the practice of its institutions plans regarding national actions and the allocation of resources that are necessary for the development of programmes and projects for the promotion of the principle of equality of opportunity and the integration of the gender perspective in the activities.

2. Since 1994, SIRDO has been preoccupied with the problems of women's rights. We consider that one of the most important measures regarding the status of women on the national and international levels is the increase of the efforts of the United Nations and the States Members regarding the opening for signature and the ratification of the Optional Protocol to the Convention. Our appeal to all the responsible national and international actors in the States is justified by the continuation of the abusive and violent treatment to which women are subjected, including the infringement of their right to adequate protection from the State.

3. Even though the 1991 Constitution and the conventions ratified by Romania grant women and men equal rights, in the national legislation the principle of the equality of opportunity is insufficiently represented (the Labour Code, the Family Code). In the context of the inconsistency of the national legislation in this field and the failure to harmonize Romanian legislation with the international standards regarding equal protection, the Government has not adequately applied the standards relating to protection from discrimination. The authorities do not focus their attention and resources efficiently on the gender problem.

4. One of the most serious phenomena that directly affects the condition of women in Romania, equally involving effects on the child and the family, is domestic violence. The magnitude of this phenomenon is treated by the authorities as a common fact. The profound causes are to be found in the sphere of the customary tradition by the perpetuation of the paternal stereotype, and have been dramatically accentuated by the increase of the population's degree of poverty. The difficulties of the last years, which have been characterized by the accentuation of the feminization of unemployment, the difference in the incomes of the sexes, the disadvantage of women, and women being stuck in uncertain and poorly paid jobs, have made the reforms regarding the implementation of the provisions of the Beijing Platform for Action for the eradication and prevention of domestic violence impossible.

5. The obstacles to the implementation by Romania of the provisions of the Beijing Platform for Action are the following:

(a) The lack of political agreement at the decision-making level on problems that refer to women's rights and the equality of opportunity;

(b) The lower priority assigned to this matter on the national agenda, or the exclusion of the legislative initiatives that are necessary for the creation of an adequate environment for the equality of opportunity;

(c) The insufficient development of the mechanism that should promote policies and support programmes for the victims of domestic violence;

(d) The lack of analysis and statistical data that could support solutions for intervention and remedies, in the violent environment of the family microcosm.

6. There have existed and there exist in Romania initiatives for intervention with a view to eradicating and preventing violence within the family, but some of them are inefficient in practical terms (the institutional environment) and others are still proposals (legislative initiatives).

7. In view of the persistence and aggravation of the phenomenon of domestic violence, with no radical intervention on the part of the Romanian State, and with the reluctance repeatedly manifested by the State institutions (police, justice) to intervene on the bases that the Constitution (arts. 11 and 22) and the national legislation (the Presidential Ordinance, the Penal Code) offer, we request the institution of a procedure for monitoring, by means of the Commission on Human Rights in cooperation with the Committee on the Elimination of Discrimination against Women, that should:

(a) Supervise the way in which Romania implements the provisions of the Convention and the Optional Protocol, as well as the future initiatives that devolve from the provisions of the Beijing Platform for Action, referring to domestic violence on the legal and institutional levels;

(b) Offer advice and support for the development of a programme for the education and training of public servants on gender issues;

The procedure of monitoring could guarantee the integration of the gender perspective in the legal and institutional environment in Romania, the sanctioning and the prevention of domestic violence, as well as the application and respect for the international standards.

(c) Settle the role of law regarding the existing national legal framework so that the State institutions can coordinate their practices (examples of legal provisions: Law No. 61/1991 for the sanctioning of infringement of the norms of social life; the provisions of the Romanian Penal Code that sanction violent acts that infringe the right to life and the intensification of investigations by the Prosecutor's Office in cases of domestic violence; the provisions of the Code of Penal Procedure that refer to divorce, procedure for which should be simplified and expedited in cases of domestic violence; the utilization by the courts of the Presidential Ordinance of evacuation, which represents a rapid and efficient procedure even in cases where there is no divorce in progress between the parties);

(d) Modify the national legislative framework, so as to allow efficient action on the part of police and justice;

(e) Demilitarize the Romanian police and its placement within the local administration so that it can become involved, as part of the community, to prevent actions of domestic violence;

(f) Hasten legislative initiatives that stipulate the sanctions for domestic violence, so they can begin to function as soon as possible;

(g) Introduce in the national laws the notions of domestic violence, marital rape, psychological aggression, sexual harassment, confidential divorce procedure;

(h) Eradicate the shortcomings from the Romanian legislation, which does not stipulate guarantees of the rights of mother and child;

(i) Elaborate proposals for the establishment of a mechanism for the promotion of the equality of opportunity and policies of gender equality that would be a specialized organ of initiative and control, with attributions and competence acknowledged at the level of the State's decision-making structures, such as :

(i) The removal from the the Ministry of Labour and Social Protection of the Division for the Equality of Opportunity, the General Division for the Coordination of Women's Rights, and the Division of Elaboration of Family Policies, which have been established since 1995, and their establishment as a State Secretariat to promote a unitary gender policy;

(ii) The increase of the efficiency of the Sub-Commission for Equal Opportunities, which was established in 1997, within the structure of the Parliament's Commission for European Integration, with a view to facilitating and accelerating the process of legislative harmonization. SIRDO has supported the establishment of the Sub-Commission in a report addressed directly to the President of Romania;

(j) Ensure respect for the provisions of Governmental Decision No. 852/23.09.1996, according to which there has been established the Pilot Centre for the Protection and Assistance of Victims of Domestic Violence. In the three years of its existence, the Centre has not served as a model for the country, and is at present in an advanced state of marginalization and degradation. By the protocol concluded on 14 January 1997, SIRDO is a constant partner of the Centre, offering juridical assistance to the victims of domestic violence.

8. With the experience it has obtained over the years in the drafting of research studies and case studies regarding domestic violence, SIRDO will continue its activities of counselling the victims, and if solicited, offering advice with a view to the development of a real policy to support the equality of opportunity and putting a stop to domestic violence in Romania.